

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. Roy Lee McArthur**

**Docket No. 5:12-CR-360-1FL**

**Petition for Action on Supervised Release**

COMES NOW Dewayne L. Smith, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Roy Lee McArthur, who, upon an earlier plea of guilty to Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(1) and 924, was sentenced by the Honorable Louise W. Flanagan, U.S. District Judge, on July 10, 2013, to the custody of the Bureau of Prisons for a term of 51 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 3 years.

McArthur was released from custody on July 14, 2016, at which time the term of supervised release commenced. On August 9, 2016, a DROPS Sanction Report to the Court was submitted advising that the defendant tested positive for cocaine and marijuana on July 19, 2016. McArthur completed 2 days in jail. On October 5, 2016, a DROPS Sanction Report to the Court was submitted advising that the defendant tested positive for marijuana on September 17, 2016, and the defendant completed 5 days in jail. On December 21, 2016, a Petition for Action was submitted advising that the defendant tested positive for marijuana on December 10, 2016. Additionally, on December 11, 2016, the defendant was charged in Wilson County with Misdemeanor Injury to Real Property (16CR54395), a charge which he failed to notify the probation officer within 72 hours as required. The defendant denied guilt. As a sanction, the court ordered that the defendant be placed on 30 days curfew with electronic monitoring, and the probation officer recommended to continue supervision pending the adjudication of this charge, which remains pending. On May 16, 2017, a Violation Report was submitted advising that McArthur was charged in Wilson County with 13 counts of Felony Breaking and Entering (17CR51434-46). At that time, the only evidence linking the defendant to these crimes was the defendant's cell phone, which was found at the crime scene. Investigation is still on-going, and these charges remain pending. The probation officer recommended to continue supervision until adjudication. The defendant posted bond on June 2, 2017.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:** On July 2, 2017, the defendant was charged in Wilson County, North Carolina, with Driving While License Revoked, Expired Registration Card/Tag, Operating a Vehicle With No Insurance, and Expired/No Inspection (17CR702554-5). Although these charges remain pending, the defendant admits guilt. As a sanction for these new charges, the probation office is recommending that he be placed on 45 days curfew with electronic monitoring. This case is being closely monitored, and any future violations will be reported to the court immediately. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 45 consecutive days. The defendant is restricted to his residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all probation requirements, instructions, and procedures provided by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,


I declare under penalty of perjury that the foregoing  
is true and correct.

/s/ Dwayne K. Benfield  
Dwayne K. Benfield  
Supervising U.S. Probation Officer

/s/ Dewayne L. Smith  
Dewayne L. Smith  
U.S. Probation Officer  
201 South Evans Street, Rm 214  
Greenville, NC 27858-1137  
Phone: 252-830-2338  
Executed On: July 14, 2017

**ORDER OF THE COURT**

Considered and ordered this 17th day of July, 2017, and ordered filed and  
made a part of the records in the above case.

  
\_\_\_\_\_  
Louise W. Flanagan  
U.S. District Judge